IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

OP.No. 6348 of 2001(E)

PETITIONER:

NALINAKANTHI J.,
D/O.JANAKI AMMAL,
AGED 55, RESIDING AT SREE LNIVAS,
VELAVOOR, KOLIAKODE P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF KERALA, THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY TO GOVT., HEALTH AND FAMILY WELFARE (H) DEPT., THIRUVANANTHAPURAM.

3. THE DIRECTOR OF HEALTH SERVICES, DIRECTORATE OF HEALTH SERVICES, THIRUVANANTHAPURAM.

4. THE DISTRICT MEDICAL OFFICER OF HEALTH, THRISSUR.

5. THE SUPERINTENDENT, GOVT. HOSPITAL, CHAVAKKAD,THRISSUR.

6. THE DISTRICT MEDICAL OFFICER OF HEALTH, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI GOVINDAN.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NO.10448/2001 IN OP.NO.6348/2001

Dismissed

24/5/2007

Sd/-
P.R.RAMAN, JUDGE.

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE ORDER OF APPOINTMENT DTD. 26/6/74.

EXT.P2 TRUE COY OF THE ORDER NO.E1-15635/75 DTD. 6/6/76 OF 4TH RESPONDENT.

EXT.P3 TRUE COPY OF THE ORDER G.O.(RT) 2975/79/HD DTD. 22/10/79 OF 3RD RESPONDENT.

EXT.P4 TRUE COPY OF THE COMMUNICATION OF 2ND RESPONDENT NO.31228/H2/09/H&fwd DTD.10/12/99.

EXT.P5 TRUE COPY OF THE COMMUNICATION OF 2ND RESPONDENT DTD.6/3/2000 NO.918/H2/2000/H&FWD.

EXT.P6 TRUE COPY OF THE PROCEEDINGS OF 3RD RESPONDENT DTD.28/10/84 NO.EH 12-563342/90/DHS.

EXT.P7 TRUE COPY OF THE APPEAL FILED BY THE PETITIONER TO 3RD RESPONDENT DTD. 30/1/95.

EXT.P8 TRUE COPY OF THE ORDER DTD. 23/4/99 OF 3RD RESPONDENT.

EXT.P9 TRUE COPY OF THE ORDER NO.EF4-153660/87/DHS DTD. 10/3/88 OF THE 3RD RESPONDENT.

EXT.P10 TRUE COPY OF THE COMMUNICATION OF 6TH RESPONDENT DTD. 26/6/98.

EXT.P11 TRUE COPY OF THE PROCEEDING NO.E1-23636/78 OF THE 4TH RESPONDENT.

EXT.P12 TRUE COPY OF REPRESENTATION DTD. 30/2/2001 BY THE PETIITONER TO THE 3RD RESPONDENT.

**P.R.RAMAN,**

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**O.P.NO.6348 OF 2001**

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**Dated this the 24th day of May, 2007**

**JUDGMENT**

This Original Petition was filed mainly seeking a direction to the 2nd respondent to dispose of Ext.P7 appeal filed against the penalty imposed on the petitioner. Incidentally, some other reliefs were also sought for. Petitioner would contend that he is entitled for time bound grade promotion reckoning the period of leave without allowance. But so long as the order of penalty imposed on the petitioner would stand, he could not successfully agitate the said question. However, since the appeal was pending at the time when the original petition was filed, the petitioner sought for a direction to dispose of the same.

2. In paragraph 5 of the counter affidavit, it has been stated that the appeal has been disposed of. But the order could not be communicated to the petitioner,s because it was misplaced with some other records. Since the petitioner is not served with an order passed in the appeal, Ext.P7, necessarily he should be served with the same, as expeditiously as possible, at any rate within a period of two months and the petitioner can pursue his remedies against the said order. The petitioner, in such circumstances,

seeks to withdraw other contentions leaving open his liberty to challenge the same at a later point of time when an occasion arises as also the order passed in Ext.P7.

Original Petition is accordingly disposed of with leave and liberty as sought for and subject to the above direction to furnish a copy of the order passed on Ext.P7.

**P.R.RAMAN,**
**Judge.**

kcv.

**P.R.RAMAN, J.**

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**O.P.NO.6348 OF 2001**

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**JUDGMENT**

**24th May, 2007**